

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                                    |                          |
|------------------------------------|--------------------------|
| ADVANCED MICRO DEVICES, INC. and   | )                        |
| AMD INTERNATIONAL SALES & SERVICE, | )                        |
| LTD.,                              | )                        |
|                                    | )                        |
| Plaintiffs,                        | )                        |
|                                    | ) C. A. No. 05-441 (JJF) |
| v.                                 | )                        |
|                                    | )                        |
| INTEL CORPORATION and              | )                        |
| INTEL KABUSHIKI KAISHA,            | )                        |
|                                    | )                        |
| Defendants.                        | )                        |

|                            |                                |
|----------------------------|--------------------------------|
| IN RE:                     | )                              |
|                            | )                              |
| INTEL CORP. MICROPROCESSOR | ) MDL Docket No. 05-1717 (JJF) |
| ANTITRUST LITIGATION       | )                              |
|                            | )                              |

|                                    |                       |
|------------------------------------|-----------------------|
| PHIL PAUL, on behalf of himself    | )                     |
| and all others similarly situated, | ) C.A. No. 05-485-JJF |
|                                    | )                     |
| Plaintiffs,                        | ) CONSOLIDATED ACTION |
|                                    | )                     |
| v.                                 | )                     |
|                                    | )                     |
| INTEL CORPORATION,                 | )                     |
|                                    | )                     |
| Defendant.                         | )                     |

**MOTION OF DEFENDANTS' INTEL CORPORATION AND INTEL  
KABUSHIKI KAISHA TO DISMISS AMD'S FOREIGN COMMERCE CLAIMS  
FOR LACK OF SUBJECT MATTER JURISDICTION AND STANDING**

Defendants Intel Corporation and Intel Kabushiki Kaisha (collectively "Intel"), respectfully file this motion to dismiss the foreign commerce claims of plaintiffs Advanced Micro Devices, Inc., and AMD International Sales and Service (collectively "AMD") for lack of subject matter jurisdiction pursuant to the Foreign Trade Antitrust Improvements Act of 1982, 15 U.S.C. § 6a (2004) (hereinafter "FTAI"). In support of

this motion, Intel relies upon the accompanying memorandum of law and supporting appendices. A proposed Order is attached.<sup>1</sup>

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Dated: May 2, 2006  
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Intel Corporation and Intel Kabushiki Kaisha

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<sup>1</sup> Certification Pursuant To Local Rule 7.1.1. Intel certifies that its counsel has contacted counsel for AMD about the attached motion and that AMD is opposed to the relief sought in the motion.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, Richard L. Horwitz, hereby certify that on May 2, 2006, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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